

Attachment A

In the matter of:

**Gilroy Unified School District;
Complaint No. R3-2008-0030
For Administrative Civil
Liability**

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Order No R3-2008-0030
On Stipulation and Settlement Agreement

This Order on Stipulation and Settlement Agreement ("Order") is issued in reference to an adjudicative proceeding initiated by the issuance of Administrative Civil Liability Complaint No. R3-2008-0030, dated June 25, 2008 ("Complaint"). The Parties to this proceeding are the Assistant Executive Officer and Prosecution Team ("Prosecution Team") of the Regional Water Quality Control Board, Central Coast Region ("Central Coast Water Board"), the Gilroy Unified School District ("School District"), Gilbane Building Company ("Gilbane"), and DeSilva Gates Construction L.P. ("DeSilva Gates") (collectively referred to as "Parties")

The Central Coast Water Board has been presented with a proposed settlement of the claims alleged in the Complaint that has been developed during negotiations between the Parties' representatives. The proposed settlement represents a mutually agreed-upon resolution of the Prosecution Team's claims through the payment of an administrative civil liability in the amount of \$170,000. The Parties' settlement agreement is attached hereto as Attachment 1. The Parties recommend that the Central Coast Water Board issue this Order to effectuate the Parties' proposed settlement.

HAVING CONSIDERED THE ALLEGATIONS DESCRIBED IN THE COMPLAINT AND THE PARTIES' STIPULATION AND SETTLEMENT AGREEMENT, THE CENTRAL COAST WATER BOARD FINDS THAT:

1. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with sections 15061(b)(3) and 15321(a)(2) of Title 14 of the California code of Regulations.
2. In adopting this Order, the Central Coast Water Board has considered each of the factors prescribed in California Water Code section 13327 and 13385(e). The Central Coast Water Board's consideration of these factors is based upon information and comments provided by the Parties and by members of the public. In addition to these factors, the administrative civil liability recovers the costs incurred by the staff of the Central Coast Water Board in evaluating the claims and preparing the Complaint and related documents.

3. A notice of the proposed Settlement and Order was published in (newspaper) on or before (date) notifying the public of a 30-day review period and soliciting public comments on the terms of the settlement.
4. The proposed Settlement supports payment in the amount of \$170,000 for resolution of the claims made in the Complaint, and is in the public interest.
5. This Settlement and Order provide for the full and final resolution of each of the claims, allegations, alleged violations and/or causes of action that are the subject of the Complaint, and is entered into by the Parties with no admission of liability or the validity of any such claim, allegation, alleged violation or cause of action.

IT IS HEREBY ORDERED, pursuant to section 13385(c) of the California Water Code and section 11415.60 of the California Government Code that:

6. The Settlement is hereby approved.
7. Within 60 days of receiving written notice that this Order has been issued, on behalf of themselves and the School District, Gilbane and DeSilva Gates shall pay a total of \$170,000 to the State Water Resources Control Board, in accordance with Paragraph 8, below.
8. Payment shall be made in the form of one or more checks totaling the amount of \$170,000, payable to the *State Water Resources Control Board Pollution Cleanup and Abatement Account*. The check(s) shall indicate on it the number of this Order. The original check(s) shall be mailed to the State Water Resources Control Board, Department of Administrative Services, P.O. Box 1888, Sacramento, CA 95812-1999, with copies sent to: Michael Thomas, Assistant Executive Officer, Central Coast Water Board, 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401, and David Boyers, State Water Resources Control Board, Office of Enforcement, P.O. Box 100, Sacramento, CA 95812.
9. The Complaint is hereby dismissed with prejudice, and the School District, Gilbane and DeSilva Gates, and each of them, are hereby released from further liability relating to the claims, allegations, alleged violations and causes of action that are the subject of the Complaint, as provided in the Settlement.

I, Roger Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an order imposing civil liability assessed by the California Regional Water Quality Control Board, Central Coast Region, on _____, 2008.

Roger Briggs
Executive Officer